

**161C.6 Organic nutrient management program.**

1. The division shall establish an organic nutrient management program as provided by rules which shall be adopted by the division. The program shall be supported from moneys deposited in the organic nutrient management fund.

2. *a.* The program shall provide financial incentives to establish livestock manure management systems to facilitate the proper utilization of livestock manure as a nutrient source, and to protect the water resources of the state from livestock manure runoff.

*b.* A person shall not be eligible to participate in the program, unless the person is an individual family farmer, an individual actively engaged in farming as provided in section 9H.1, subsection 1, paragraphs “a” through “c”, or the person is a family farm corporation, family farm limited partnership, a family trust, or a family farm limited liability company, all as defined in section 9H.1.

*c.* The amount of moneys allocated in cost-share payments to a person qualifying under the organic nutrient management program shall not exceed fifty percent of the estimated cost of establishing the system or fifty percent of the actual cost, whichever is less.

*d.* The division shall maintain records regarding each award of financial incentives under this section, including the name of the person; the amount of the award; the location of the livestock manure management system established with financial incentive moneys; and whether the person is a family farm corporation, family farm limited partnership, family trust, or a family farm limited liability company.

*e.* The department shall not allocate moneys to a person who is a party to a legal or administrative action, including a contested case proceeding under chapter 17A, which relates to an alleged violation of chapter 455B or 459, subchapters II and III, involving the disposal of livestock waste, until the action is resolved. The department of natural resources shall cooperate with the division by providing information necessary to administer this paragraph.

*f.* A person shall not use moneys allocated pursuant to this section for purposes of paying an amount imposed pursuant to a fine or civil penalty, or for remediating or restoring the condition of an area contaminated by livestock waste.

*g.* A person qualifying under the program shall not receive more than seven thousand five hundred dollars in financial incentives during any fiscal year beginning on July 1 and ending on June 30. A person who has received financial assistance in a prior fiscal year is eligible to receive financial assistance in a subsequent fiscal year, unless the financial assistance is used to support the establishment of a system previously receiving assistance under this program.

94 Acts, ch 1198, §34